

# A Right to Housing

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## Foundation for a New Social Agenda

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TEMPLE UNIVERSITY PRESS

Philadelphia

## 15 Responses to Homelessness: Past Policies, Future Directions, and a Right to Housing

WHEN HOMELESSNESS reemerged as a significant social issue in the United States in the late 1970s and early 1980s, three questions dominated public debate: how many, who and why? The range of answers to these questions corresponded to a variety of proposed responses to homelessness, from those that stressed changes in the behavior of individual homeless people to those that called for systemic, social solutions. Since that time, a degree of consensus has been reached on those initial key questions, and the need for some form of government response is accepted; with that evolution, debate has shifted to a discussion of the nature of that response. In the early years of the new century, a resurgence of interest in policy responses has begun to come forth at the federal, state and local levels, along with a new focus on policies to end and prevent homelessness.

This chapter begins with a discussion of the initial debates dominating the response to homelessness and their implications for policy. We then briefly discuss the ways in which local, state and federal governments have helped to create large-scale homelessness and then examine responses to the crisis. We consider the extent to which these responses aimed at ameliorating the conditions of homeless life, aiding exit from homelessness or preventing homelessness, and discuss the evolution of government responses to homelessness, noting that the limited amount of funding available has made true prevention strategies relatively rare. In the last half of the chapter, we discuss the strategies that are most promising, building on existing programmatic successes but emphasizing the role of housing to

a far greater extent than government responses to homelessness have done thus far.

### THE 1980s: EARLY QUESTIONS, DEBATE AND POLICY RESPONSES

The question of the size of the homeless population generated much controversy in the early 1980s, at times dominating public debate on the issue. As a political matter, the size of the homeless population had important policy implications: If there were only a few homeless people, locally or nationally, then it could be argued that government had little or no obligation to act. But by the late 1980s, even those who had at first minimized the problem could no longer deny that the numbers were quite large in comparison to the preceding 40 years. By most accounts, between half a million and a million Americans were “literally homeless” (meaning in shelters or on the streets) every night—perhaps several millions if the count were expanded to include “hidden homeless” populations as well. A study by Bruce Link and his colleagues (1994) estimated that an astounding 3 percent of the U.S. population had been literally homeless at some time between 1985 and 1990.

Who, then, were these homeless people? Were they hippies, alcoholics and addicts? Mothers with children or unemployed working people? Were they members of the “deserving” or “undeserving” poor? Again, there were policy implications. For instance, if homeless people were “transients,” then local government could argue that it had little responsibility to them. If

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they were alcoholics and addicts whose substance abuse was ostensibly a chosen way of life, then all levels of government could argue that they had little claim to government aid.

This was tied to the third question: Why were these people homeless? Public discourse—framed within the individualistic tradition that generally informs American public debate, based on inherited folk wisdom and reacting to the most visible homeless people—initially attributed homelessness almost entirely to personal characteristics, perhaps involuntary (such as those resulting from mental illness), but often “voluntary” (where homelessness is a chosen lifestyle; or resulting from substance abuse, as a failure of self-control). This emphasis on the individual fit fairly well with the major academic theory inherited from the last wave of concern with homelessness (skid rows in the 1950s and 1960s), “Disaffiliation Theory,” which stressed the more or less voluntary withdrawal of people from mainstream society for a variety of reasons—social incompetence, desire to drink, fear of disclosure of homosexuality and so forth.<sup>1</sup>

By the mid- to late 1980s, researchers, advocates and homeless activists had increasingly challenged such individually based explanations of homelessness with another perspective that stressed the *involuntary displacement* of people from housed lives by large social processes over which they had little control—in particular, the scarcity of low-income housing, deindustrialization, deinstitutionalization, increasing holes in the welfare safety net and changes in family structures. Disaffiliation, when it appeared, was described more often as a result of homelessness rather than the cause of it.

The explosion of homelessness in the first half of the 1980s was powerful evidence for this “displacement” perspective. By any measure or definition, it was clear that the number of people who were homeless by 1985 was several times as great as just a decade before, this being after 40 years of relative stability in the size of the homeless population nationally. To accept personal incompetence or irresponsibility as the primary cause of homelessness required believing that hundreds of thousands—probably millions—of people had suddenly caught

incompetence or irresponsibility like the flu. Such an explanation was not convincing.

Displacement theorists generally argued that of all the social causes involved, the crisis of low-income housing was the most significant (Hopper and Hamburg 1986; Wright 1989; Hoch and Slayton 1989). Specifically, the gap between tenants’ incomes and rents that grew so rapidly in the 1970s and 1980s was most severe for those on the lowest end of the income spectrum; at the same time, it was at the bottom of the housing market that the number of units declined most severely, particularly in single room occupancy (SRO) hotels (Hartman and Zigas 1991). The result, inevitably, was an explosion of homelessness for a segment of the poorest Americans, caught in a game of musical chairs in which there were simply not enough affordable units to go around.

This is not to say that those who ended up homeless were only random victims of structural problems: Many had other problems as well. But the resources for dealing with such “personal problems”—substance abuse, domestic battering, lack of job training and the like—were also in short supply; in each area, there was a game of musical chairs. As in any such game, personal characteristics—preparation, sobriety, skill as well as luck—play a role in who ends up with and without a chair. But the situation itself mandates that *some* will be caught without a chair—or, in this case, a home. For many displacement theorists and some homelessness activists, the centrality of the connection between homelessness and the dearth of low-income housing raised the question of establishing a Right to Housing (Roisman 1991).

By the late 1980s, this more structural view of homelessness had become increasingly common in public discourse, changing public perceptions of possible solutions. If larger social causes were to blame, homeless people were then to be seen as victims rather than villains responsible for their fallen state. Thus, the first of three major lines of argument against aiding homeless people—the “moral question”—seemed largely overcome. That is, if it could be shown that homeless people had created their problems themselves or maybe had no desire to escape their condition, they had no moral claim

on the goodwill of government or the general citizenry. But once homelessness is granted to be at least in part due to social processes beyond the control of those who become homeless, a sense of decency demands governmental response, much as we aid victims of natural disasters. In fact, the agency responsible for initial overview of federal programs in this area was the Federal Emergency Management Agency (FEMA). Ironically, FEMA (now part of the Department of Homeland Security) responded to the massive homelessness caused by Hurricane Katrina yet, as of this writing, is providing housing assistance only to those made homeless by this disaster, not to those who were previously homeless.<sup>2</sup>

#### THE 1990s: BACKLASH AND PROGRESS

Despite increasing government aid in the 1990s, homelessness did not go away. Public opinion, fluid and malleable, continued to show support in polls for more socially oriented approaches but often supported more punitive approaches when these were advanced by politicians (Link et al. 1995; Guzicki and Toro 2002). At the local level, new ordinances penalizing acts such as begging or sleeping in public were enacted in some places (National Law Center on Homelessness and Poverty [hereafter NLCHP] 1991, 1993, 1994, 1996, 1999). Clearly, the public wanted something done, and the very failure to solve the problem engendered resentment.

In academic and policy circles, the 1990s saw some backlash against the displacement emphasis as well. Some researchers accused displacement theorists of denying the existence of any pathology among homeless people (Baum and Burnes 1993) and stressed the importance of individual disaffiliation (as cause as well as effect). While some continued to stress individuals' lack of "independent living skills" (Institute for Children and Poverty [hereinafter ICP] 1998a; Grunberg 1998), by the mid- to late 1990s, many theorists argued that homelessness could best be explained by some combination of macro and micro factors (Jencks 1994; Main 1998). Recognizing that at least some homeless

people needed more than simply housing and seeking to establish firmer links to a broader anti-poverty platform, advocates developed policy proposals that included the full range of issues that needed to be addressed to truly end homelessness: housing, income and social services (NLCHP 1992).

Yet even when and where homelessness had been accepted as a social issue requiring social solutions, governmental response remained tortuously slow at all levels. Though the "moral question" might be muted, two other "practical" arguments were harder to overcome, especially at the local level: the "magnet theory" and the "cost argument."

The magnet (or Mecca) theory argues that providing services will attract more homeless people to a locality, thus worsening the problem locally. There is little evidence that homeless people as a group are significantly more mobile than housed people (Rosenthal 1994:144; Burt 2001),<sup>3</sup> and strong evidence that those who leave the community where they became homeless do so largely because of lack of jobs and affordable housing, not lack of social services; but availability of services may be one of several factors in choosing the community to which they move (Burt 2001). The fear of becoming a magnet for homeless people was—and still is—a regularly cited rationale for cities' limitations on aid and programs for homeless people, including prohibition of efforts by private individuals and organizations to offer aid or establish housing and other programs. This suggests that both prevention strategies and regional approaches to services for those who do become homeless are ultimately likely to make more sense for local governments.

Local governments have also often made the cost argument: Whatever their sympathies or wishes, they simply do not have money to meet existing need (let alone help those who might be attracted by the town's generosity). In fact, local governments were often spending considerably more than they realized, since while they were aware of their manifest costs dealing with homelessness (such as emergency shelters), they may have been unaware of a wide range of hidden costs, from police costs for arrests

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to medical costs incurred at local emergency rooms (Research Atlanta 1984; Rosenthal 1994). During the 1990s, evidence began to accumulate that progressive social solutions to homelessness (discussed below) would be cost-effective for society at large and, in the long run, for localities as well (Rosenthal 1994; Lindblom 1996). More recently, a 2002 study demonstrated that the cost of providing supportive housing—housing with services, such as mental health care, substance abuse treatment, case management—for even the most troubled homeless people would be nearly offset by savings in crisis responses such as emergency room use and incarceration (Culhane, Metreux and Hadley 2002:135–140).

These calculations, however, rest also on the question of what level of response is intended. Programs may be aimed at *amelioration*—that is, easing the lives of those already homeless (such as shelters or soup kitchens); they may be designed to facilitate *exit* from homelessness for those already homeless (such as housing); they may be aimed at *prevention* of homelessness (such as creation of additional low-rent housing, rent control and eviction protections). Up through the 1990s, government responses to homelessness focused primarily on amelioration. Yet they did not provide even enough shelter beds, for instance, to meet need, leaving little or nothing for exit and prevention programs.

#### THE 2000s TO DATE: CURRENT DEBATE AND FOCUS

With the beginning of the current decade, however, there has been a new drive to prevent and end homelessness. A proposal to end homelessness in ten years, advanced by the National Alliance to End Homelessness (NAEH), emphasizes the importance of engaging the mainstream anti-poverty programs as well as building “infrastructure,” incorporating the earlier call for housing, income and services. While the NAEH plan outlines a general framework rather than specific proposals, it identifies as a first priority ending homelessness for chronically homeless people through increased sup-

portive housing, citing recent research indicating that a disproportionate amount of services are consumed by this population (NAEH 2002; Culhane 2002). Others argue that policy must aim to end all forms of homelessness and that to do this the much bigger issue of the affordable housing crisis must be addressed (NAACP et al. 2003). Omnibus legislation introduced in Congress in 2003, the Bringing America Home Act, contains a wide range of proposals that explore the need for housing, income and social services—including health and child care—and that calls for a Right to Housing.

#### GOVERNMENT’S ROLE: CREATING AND RESPONDING TO HOMELESSNESS

Throughout the 1980s, activists and advocates argued that far from helping to resolve homelessness, government at all levels had played an enormous role in helping to *create* large-scale homelessness. Federal housing and fiscal policies, in particular, were crucial. Many of these are discussed in detail elsewhere in this text: tax laws that traditionally rewarded practices that led to escalating housing costs; failure to control interest rates, a key variable in the demise of low-income housing in the 1980s; and most prominently, the slashing of the federal housing budget during the Reagan/Bush I years as the low-income housing market crumbled. Despite the Clinton Administration’s early denunciations of these cuts in housing programs, it retreated in the face of the Republican Congressional victory of 1994, and FY1996, FY1997 and FY1998 budgets submitted by the President maintained those cuts; the FY1999 budget reversed this trend somewhat, continuing through the FY2001 budget. The proposed budget for FY2002, the first presented by the new Bush Administration, signaled the start of a new downward trend, with significant cuts in new Section 8 units requested. The most current (mid-2005) proposal, for FY2006, was lower yet, calling for cutting the total HUD budget by over \$5 billion, or 11.5 percent, and included a proposal to eliminate the Community Development Block Grant (CDBG) program and move those functions to

the Department of Commerce without any assurance that housing would continue to be an eligible activity. (NLIHC 2005). Further, retroactive administrative changes caused low-income people across the country to lose their housing: In April 2004, the Department of Housing and Urban Development (HUD) announced that it would no longer pay for the full cost of existing vouchers.

This is not to say that it has been only federal housing policies that helped to create and exacerbate homelessness on a large scale. Local governments, especially those facing financial disaster as their middle classes fled to surrounding suburbs, have played a significant role, encouraging the wave of gentrification that destroyed so much of the low-rent housing stock in many cities, particularly SROs, without providing for the relocation of those displaced. Social service policies—at all levels of government—have also been involved. In the 1960s and 1970s, the mental health policy of deinstitutionalization, though laudably intended to improve the lives and treatment of mental health patients by greatly expanding their treatment options, foundered on the federal failure to fully fund promised residential treatment facilities, coupled with local resistance to the creation of such facilities. The resulting gaping holes in coordination and services led to a sharp increase in homelessness among mentally ill people. Assistance levels in means-tested entitlement programs not indexed to inflation dropped too low to cover housing costs and other necessities; tightened eligibility and application requirements initiated in the early 1980s prevented many from receiving assistance at all. Discretionary social service programs aided only a small fraction of those eligible. Nor has this changed much: Currently, for example, about three-fourths of those who are eligible do not receive any federal housing assistance (Sard and Fischer 2003). The repeal of the federal welfare entitlement for families, along with the denial of supplemental security income (SSI) benefits to those disabled by drug and alcohol addiction—both the result of the 1996 welfare reform legislation—contributed to increases in homelessness among those who lost these forms of assistance (NAEH 2003; Norris et al. 2003).

## THE LOCAL AND STATE RESPONSE

Until the mid-1980s, shelters and soup kitchens—almost always operated by nonprofits, mainly religious groups—were the only direct response to homelessness in most places, as they had been for 40 years at least. But one indicator of the seriousness of the explosion of homelessness in the 1980s—and the success of activists and advocates in pressing demands on government—was that by 1996 (the most recent year for which data are available), government had become the primary conduit for funding and organizing the delivery of most services for homeless people (Burt 2001:260–261).

Initially, the burden fell primarily on local government. Starting in New York City with a suit to establish a “right to shelter,” ultimately formalized in a consent decree, lawsuits established some state and local obligations to provide shelter and other immediate assistance to homeless people. Similar suits were filed in other jurisdictions, including Atlantic City (NJ), West Virginia and Los Angeles; in Washington, DC, a ballot initiative led to a right to shelter in that city in 1984. Parallel to the litigation, other advocacy initiatives, coupled with early federal emergency appropriations, resulted in some aid, primarily emergency in nature (U.S. GAO 1985:40–42). In the mid- to late 1980s, local government responses to homelessness increased as the first significant federal dollars for social approaches to homelessness began to reach the local level.

Beginning in the early 1990s, however, some localities began to adopt or reinstitute more punitive approaches to homelessness. Despite the increased funding, shelter space was not sufficient to meet the need, leaving many homeless people living in public spaces. In response, many localities began adopting the “leafblower approach” (as one local official referred to it, cited in Simon 1994:152), attempting to move homeless people away from their streets, neighborhoods or communities. Treating homelessness as a police matter, local governments passed or resurrected laws that criminalized activities such as “public sleeping,” “illegal camping” and “aggressive panhandling”; in practice, police officers often used these laws to require homeless

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people to “move along” or else face arrest. These laws and enforcement practices spurred numerous court challenges to their constitutionality, leading to several court rulings striking them down. At the same time, some of the gains of the 1980s were restricted or reversed. The already inadequate availability of shelter was further diminished with new restrictions and eligibility requirements, including time limits, work requirements and proof that homelessness was not the result of “fault”; in 1994, Washington, DC, repealed its right to shelter law (Foscarinis 2004).

While these punitive approaches continue (NLCHP and NCH 2001; NLCHP 2003), more constructive approaches are also emerging in some localities, at least partly in response to advocacy and litigation. The leading case challenging the “criminalization” of homelessness, *Pottinger v. Miami*, resulted in a favorable court ruling striking down the city’s policies as unconstitutional; that ruling led to a consent decree that included a “no bed, no arrest” provision, marking some recognition of shelter as a minimum necessity. Moreover, following the litigation, Miami’s Dade County passed a special meal tax to fund aid—both short- and longer-term—for homeless people, raising some \$7.5 million annually for shelter, housing, employment service and substance abuse treatment (Rohter 1993; Foscarinis 1996a).

Nonetheless, regardless of the approach, it is unrealistic to expect local efforts alone to meet the crisis adequately. An inevitable diffusion of financial responsibility (since who bears the eventual cost is not necessarily tied to who could prevent the original problem), coupled with the limits on local resources, all too often interferes with a proactive approach that would make sense financially, socially and morally as well. Local governments, operating within fixed time frames and financial constraint, have argued that the costs of homelessness, hidden or manifest—to ameliorate, exit or prevent homelessness—are more than they can bear alone in the immediate present, even with the best of intentions.

By and large, state governments have not filled the gap. Beginning in the mid-1990s, the federal Continuum of Care approach (described

below) has greatly encouraged states to design collaborative plans and match federal dollars. These initiatives are important, but states remain generally “middlemen,” allocating money from Washington. A few states—including Massachusetts, New Jersey and New York (Watson 1996; Lindblom 1996:191–192; Culhane 2002)—have launched significant initiatives, investing their own resources in preventing and ending homelessness. Following welfare reform, at least some states have used Temporary Assistance for Needy Families funds for homelessness prevention (Culhane 2002).

In the past few years, a number of state and local governments have developed plans to end “chronic” homelessness in their communities. Much of this effort has been spurred by the 2002 White House announcement of a goal to end chronic homelessness in ten years (OMB 2002:171; 2003:164, 169), followed by a call from the Interagency Council on Homelessness to cities and states to develop plans to do so (ICH n.d.). The Council challenged the nation’s 100 largest cities to develop plans by January 2003 to end chronic homelessness, and the U.S. Conference of Mayors subsequently adopted a resolution to work with the Bush Administration to meet that goal (U.S. Conference of Mayors 2003b). According to the Council, as of February 2004, over 80 cities had made commitments to develop such plans.

Among the cities that have developed or are currently developing such plans are New York, Atlanta, Washington, DC, San Francisco and Chicago as well as state plans from California, Rhode Island, Minnesota and Georgia, and a variety of counties, such as Maricopa County (Arizona), Montgomery County (Maryland) and Columbus and Franklin Counties (Ohio). While the plans vary significantly in level of detail and approach, many emphasize the importance of preventing homelessness and increasing housing resources. In particular, many include preventing institutionalized persons from being discharged into homelessness and support for the “housing first” model that emphasizes speedy placement in permanent housing, circumventing insofar as possible emergency shelter and transitional housing (Lowe 2004).

